MAYOR & COUNCIL
REGULAR MEETING
JULY 12, 2012
7:30 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held in the Community Center, 21-25 Union Street, Rockaway, N.J. with Mayor Russell Greuter presiding. Mayor Greuter called the meeting to order at 7:30 p.m.

Mayor Greuter read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, a list of meeting dates annually, indicating that the meeting would take place at the Community Center at 7:30 p.m. on July 12, 2012. Mayor Greuter announced the location of the fire exits.

Councilmembers Present	Councilmembers Absent
Thomas Donofrio	Joseph Vicente
Joyce Kanigel	
Thomas Mulligan	
John Willer	
Melissa Burnside - Council President	

Borough Attorney Ed Wacks was also present.

Everyone present participated in the salute to the flag.

PRESENTATIONS

Councilwoman Kanigel introduced Tom Barbato, President, and other officers of the Rockaway Borough Historical Committee. Mr. Barbato explained that the Committee's first grant from Morris County was used to acquire a historical plaque for the Firehouse, a building which has served public safety for 100 years.

Mr. Thomas Trapasso explained the role of the Picatinny Arsenal Environmental Restoration Advisory Board to clean up the contamination in the arsenal from exploded ordnances. Each municipality surrounding Picatinny may appoint a member as a civilian representative.

Mayor Greuter announced his intention to appoint Mr. Trapasso as a civilian representative from the Borough of Rockaway to the Picatinny Arsenal Environmental Restoration Advisory Board.

Upon motion by Councilman Willer, seconded by Councilman Donofrio and carried unanimously upon voice vote, to concur with Mayor Greuter's appointment of Thomas Trapasso to the Picatinny Arsenal Environmental Restoration Advisory Board.

Mr. John Anderson, Area Manager from Jersey Central Power and Light Company and company liaison to the Borough, explained the steps that the company has taken to improve its communications since last fall. For example, the public can access outage information real time on its improved website and the company can send out updates via e-mail and Twitter.

APPROVAL OF MINUTES

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the June 28, 2012 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the July 10, 2012 letter from Dr. John J. Borris, 54 Andrea Dr., Rockaway, NJ, requesting approval for Fire Marshal Tom Trapasso to attend a federally mandated Occupational Safety and Health course for Superfund sites given by him at Picatinny Arsenal July 16-20. Mr. Trapasso has indicated that he has funding in his budget to cover the course's cost of $200.

On motion by Councilman Mulligan, seconded by Councilman Donofrio, and unanimously carried by voice vote to accept the correspondence and to approve Mr. Tom Trapasso's attendance at a course for Superfund sites to be held at Picatinny Arsenal from July 16-20.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

No report.

Public Works/Public Utilities Committee - Councilman Donofrio

Police Station Bridge Awning

Two quotations were received for the Police Station bridge awning. A resolution will be added tonight to award the contract to the company that submitted the lower price.

Salt Storage and Recycling Center Improvements

The Public Works Department explored the possibility of doing some work on its own and determined that they should have the company who is doing the job complete the demolition aspect of it.

Water Utility

Well # 5 is fully functional.

Upon motion by Councilman Mulligan seconded by Council President Burnside and carried unanimously upon voice vote, to accept the Public Works/Public Utilities Committee report.

Ordinance Committee - Councilman Mulligan

Recreation

The bocce ball court was completed today. The Commission approved the concept of a dog park at Donatoni Community Park. Additional information will be forthcoming.

Ordinances

Explained the ordinances that will be introduced and adopted this evening.

Upon motion by Council President Burnside, seconded by Councilman Willer, and carried unanimously upon voice vote, to accept the Ordinance Committee report.

Fire Committee - Councilman Willer

Payment of Bills

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

Fire Department

The Fire Department held its annual Family Festival. Mayor Greuter is still waiting for a report on air cylinders.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Fire Committee report.

Public Safety Committee - Council President Burnside

Board of Health

Met with the Health Officer and President of Board of Health. Randolph is looking for a longer term contract. There have been some savings as the result of Randolph's expanding services.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Public Safety Committee report.

ATTORNEY'S REPORT

Potential Litigation - Donatoni

The court assigned a mediator to try to reach a resolution.

Upon motion by Councilman Donofrio, seconded by Council President Burnside, and carried unanimously upon voice vote, to accept the Borough Attorney's report.

MAYOR'S REPORT

Route 46 Road Resurfacing

The State Department of Transportation will begin a project to resurface Route 46 that will include from Seward St. to Woodstone Rd. in the Borough. The joints will be removed first and paving is scheduled for September - November. Work will be performed between 10 p.m. and 6 a.m.

Request a closed session to discuss a personnel matter.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Mayor's report.

CLERK'S REPORT

The Rockaway Rotary Club extended its appreciation to the Council and Borough departments for assistance of its 5K Run/Walk.

Upon motion by Councilman Mulligan, seconded by Council President Burnside, and carried unanimously upon voice vote, to accept the Clerk's report.

CONSENT AGENDA ITEMS

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon call of the roll, the following resolutions were adopted:

RESOLUTION 113-12: REFUND TAX SALE CERTIFICATE (BLOCK 41, LOT 3)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, by New Jersey State Statute 54:5-58 to refund tax sale certificate dated October 19, 2011 for 3 Bank Street, Block 41, Lot 3, in the amount of $742.66 and premium in the amount of $200.00 to Park Finance II LLC, P. O. Box 109, Cedar Knolls, New Jersey 07927.

DATE: July 12, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 114-12: REFUND FUNDS FOR HEALTH CANCER SCREENING

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to refund $50.00 to Ms. Hoai Thuong Nguyen, 18 Church St., Rockaway, New Jersey 07866, for the Female Health Cancer Screening scheduled for May 29, 2012. Funds were accepted; however, the screening was canceled.

DATE: July 12, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 115-12: AUTHORIZE ISSUANCE OF SPECIAL PERMIT FOR SOCIAL AFFAIR (FRIENDS OF RANDOLPH ANIMAL POUND)

WHEREAS, the following named applicant filed an application for a license known as a Special Permit for Social Affair for September 28, 2012, to be held at the Exchange Restaurant, 160 East Main Street, Rockaway, NJ, 7:00 p.m. to 9:00 p.m.

Friends of Randolph Animal Pound
c/o Claudine Cheung
7 Heritage Court
Randolph, NJ 07869

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that a license under a Special Permit for Social Affair License be granted to the above named applicant.

DATE: July 12, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 116-12: APPROVE INSTALLATION OF ONE HISTORICAL MARKER

WHEREAS, the Rockaway Borough Historical Committee has identified one site upon which to install one historical marker designating the lower basin of the Morris Canal and the Stickle Lumber Store (presently the Community Center) at 21-25 Union Street; and

WHEREAS, the Governing Body of the Borough of Rockaway appreciates the efforts of the Historical Committee to treasure the Borough's history and to share information about its past with residents and visitors.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to grant permission to the Rockaway Borough Historical Committee to install one historical marker designating the lower basin of the Morris Canal and the Stickle Lumber Store (presently the Community Center) at 21-25 Union Street:

DATE: July 12, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 117-12: AWARD CONTRACT (CANOPY FOR POLICE STATION BRIDGE)

WHEREAS, there exists a need to purchase and install a canopy for the Police Station bridge; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Borough Engineer, with the lowest response being received from Fiber-Lite Mfg. Co., Inc., 1152 Green Pond Road, Newfoundland, NJ 07435 (973-208-1300); and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that, based upon the recommendation of the Borough Engineer, the Borough enter into a contract in an amount not to exceed $13,047.00 with Fiber-Lite Mfg. Co., Inc., 1152 Green Pond Road, Newfoundland, NJ 07435 (973-208-1300) to purchase and install a canopy ($8,917.00) and power screens ($4,130.00) for the Police Station bridge.

DATE: July 12, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 13-12, Introduction & First Reading

ORDINANCE OF THE BOROUGH OF ROCKAWAY
APPROPRIATING $58,000.00
FROM WATER CAPITAL IMPROVEMENT FUND
FOR HILLSIDE WATER TANK REFURBISHMENT

Councilman Mulligan moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on July 26, 2012.

Said motion was seconded by Councilman Donofrio, and passed as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Willer, Burnside
Nays: None

ORDINANCE NO. 14-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 91, ALCOHOLIC BEVERAGES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Mulligan moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on August 9, 2012.

Said motion was seconded by Council President Burnside and passed as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Willer, Burnside
Nays: None

ORDINANCE NO. 12-12, Public Hearing & Adoption

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 179, PARKS AND RECREATION AREAS,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Mayor and Council of the Borough of Rockaway acquired Block 21, Lots 6 and 25, through an Open Space Trust Fund grant; and

WHEREAS, to preserve and uphold the public health, safety and welfare, it is in the best interest of Borough of Rockaway and its residents to promulgate appropriate rules and regulations for the use of this property known as Beach Street River Park.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that the following amendments be made to Chapter 179, Parks and Recreation Areas, of the Code of the Borough of Rockaway:

Section I

1. Chapter 179, Parks and Recreation Areas, is hereby amended to add the following Article II, Beach Street River Park:

"Article II, Beach Street River Park

§ 179-6. Property description.

A. For the purposes of this article, the term "Beach Street River Park" refers to Borough-owned property known as Block 21, Lots 6 and 25, comprising approximately six acres.

B. The Beach Street River Park is situated along the Rockaway River on Beach Street, east towards Denville, contiguous to the end of East Flagge Street and Broad Street.

§ 179-7. Park hours.

The Beach Street River Park shall be open from dawn to dusk daily.

§ 179-8. Prohibited activities.

A. The following activities are prohibited at all time:

(1) Operation of motor vehicles of all types, including but not limited to dirt bikes, motorcycles, ATV vehicles and snowmobiles; except Police, emergency and Borough-owned vehicles.

(2) Hunting.

(3) Loitering.

(4) Fires of all types, including charcoal burners.

(5) Use of glass or any product made of glass.

(6) Littering or dumping, pursuant to the requirements of § 149-18.

(7) Digging and/or removal of natural fauna or floral.

(8) Open or unguarded swimming along the river.

(9) Dogs running at large and failure to clean up after dogs, pursuant to the requirements of Chapter 121, Dogs, Cats and Other Animals.

(10) Feeding water fowl or other animals, pursuant to the requirements of § 121-13.

(11) Possession or consumption of any alcoholic beverage, pursuant to the requirements of Chapter 91, Article III, Drinking in Public Places.

(12) Smoking.

(13) Overnight camping.

§ 179-9. Parental responsibility for juveniles.

The regulations set forth in Chapter 183, Article II, Curfew and Parental Responsibility for Juveniles, notwithstanding, a parent or guardian of a child under 18 years of age and who fails or neglects to exercise reasonable supervision and control of the conduct of said child shall be held liable in a civil action for any willful, malicious or unlawful injury or destruction by such a child of the real or personal property on this site or adjacent properties.

§ 179-10. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punishable by one or more of the following: by a fine of not less than $100 nor more than $2,000; by imprisonment not exceeding 90 days; or by a period of community service not exceeding 90 days, all in the discretion of the Court.

§ 179-11. Enforcement.

The provisions of this article shall be enforced by the Superintendent of Public Works or a member of the Police Department or the Rockaway Borough Health Department.

§ 179-12. Interference with authorities unlawful.

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this chapter."

Section II

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect as provided by law.

DATE: July 12, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public. There being no comments, Mayor Greuter closed the public hearing.

On motion by Councilwoman Kanigel and seconded by Councilman Mulligan, the above mentioned ordinance was adopted by the following roll call:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Willer, Burnside
Nays: None

PUBLIC PORTION

Mayor Greuter opened the meeting to the public. There being no comments, Mayor Greuter closed the meeting to the public.

CLOSED SESSION

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and adopted unanimously upon call of the roll, the following resolution was adopted:

RESOLUTION 118-12: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows: Personnel.

3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

4. This resolution shall take effect immediately.

DATE: July 12, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:20 p.m. and resumed the public meeting at 8:28 p.m.

AUDITOR AND ENGINEER POSITIONS

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and unanimously carried via roll call vote, to authorize the solicitation of proposals for a new auditor and engineer.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Approved: As Submitted Sheila Seifert, Borough Clerk

Date: July 26, 2012